

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JORDAN JOSEPH SZUKICS,	)	
	)	
Plaintiff	)	Case No. 1:19-cv-0379 (Erie)
	)	
vs.	)	
	)	RICHARD A. LANZILLO
KRISTIN MCHENRY, et al.,	)	UNITED STATES MAGISTRATE JUDGE
	)	
Defendants	)	
	)	ORDER ON DEFENDANTS'
	)	PARTIAL MOTION TO DISMISS
	)	ECF NO. 62

Plaintiff Jordan Joseph Szukics (“Szukics”) brings this civil rights case against several employees of the Pennsylvania Department of Corrections. *See* ECF No. 60 (Amended Complaint). Pending before the Court is a Partial Motion to Dismiss filed by Defendants Jeri Smock, Paul Ennis, and Michael Clark. ECF No. 63. Defendant Smock argues that the claims against her should be dismissed due to her lack of person involvement. *Id.*, p. 4. Defendants Ennis and Clark argue that the claims against them should be dismissed because Szukics has failed to allege an Eighth Amendment failure to protect claim against them. *Id.*, p. 6.

Szukics filed a Response to the Partial Motion to Dismiss. ECF No. 69. There, he states:

Plaintiff WILL agree with the defendants motion to dismiss the 3 defendants that they claim will be futile, Smock, Clark, and Ennis. Plaintiff can see the merit in the defendants’ request.

*Id.* p. 2 (emphasis in original).

Given this, the Court deems the Partial Motion to Dismiss as unopposed and **GRANTS** the motion. The claims against Defendants Smock, Clark and Ennis are hereby **DISMISSED**, with prejudice. The Clerk of Court is directed to terminate these Defendants from this action.

Szukics reiterates that he does not agree to the dismissal of the remaining Defendants Kristen McHenry, Officer Doxy, and Sergeant O'Brian. *Id.* And, those Defendants have not moved to dismiss. However, they have yet to file an Answer to Szukics' Amended Complaint. Therefore, Defendants McHenry, Doxy, and O'Brian are hereby directed to file their Answer within fourteen days of the date of this Order.

Entered and Ordered this 27<sup>th</sup> day of September, 2021.



RICHARD A. LANZILLO  
United States Magistrate Judge